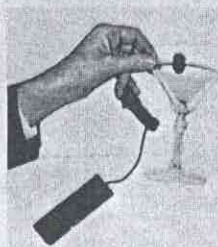


Why get bugged about bugging?



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There has been a lot of arguing recently about who is to blame for the large amount of electronic eavesdropping done by the FBI, but it seems worth asking why there should be any blame at all. Is it not possible that our unthinking anxiety about "Big Brother" eavesdropping on us is a sign not of civic virtue but of paranoia?

In actual fact, there is a wide gap between what the law prohibits and what the engineers have made possible. The Fourth Amendment provides the basic law: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ." What, however, is an "unreasonable search"? Congress and the courts have imposed strict controls on wiretaps, but engineers now have devised miniature gadgets that can overhear and record conversations from a block away. There is no trespassing, no intrusion. And when technology can produce something that a lot of people want to use, it will be used.

As a result, electronics companies openly advertise a wide range of snooping devices,

and eavesdropping is increasingly widespread. Curiously enough, while eight states ban wiretapping and six others permit it only in limited cases, there is little law governing the most advanced forms of eavesdropping. And even more curiously, the people most notably prevented from such surveillance are the federal authorities—by a presidential order of 1965 which forbids U.S. agencies to eavesdrop except in cases that involve national security.

This is not to say that the FBI should be given a free hand to trap and imprison anyone it dislikes. Wiretap evidence, aside from all moral questions, is easy to falsify, and the courts have been wise to bar most of it as "tainted." But a great deal of police activity involves not getting convictions but getting information. It seems only reasonable that most of the information the police would like to get by eavesdropping is information that would lead to the prevention or solution of crimes. It also seems reasonable that the police, in such efforts, should be able to use the same means that now are available to ordinary citizens.

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